



RICHARD J. CODEY  
Acting Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Optometrists  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



PETER C. HARVEY  
Attorney General

KIMBERLY S. RICKETTS  
Acting Director

May 10, 2005

By Certified and Regular Mail

**Mailing Address:**  
P.O. Box 45012  
Newark, NJ 07101  
(973) 504-6440

Ira Hanlon, O.D.  
240 Godwin Avenue  
Midland, New Jersey 07432

Re: Modified Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Hanlon:

This letter is to advise you that the New Jersey State Board of Optometrists (the "Board") has had an opportunity to review information from the National Practitioner data bank concerning the payment of a settlement to patient S.V. who alleged that you failed to refer him resulting in significant permanent injury. Specifically, the information reviewed included the patient record of S.V. and your testimony at an investigative inquiry of the Board that was held on October 20, 2004 whereby you were represented by William Buckley, Esq.

You testified at the inquiry that you saw S.V. for an eye examination on April 7, 2000. At the time the patient was complaining of blurry vision. The patient history demonstrated that S.V. was a 36 year old white male with a six to seven year history of diabetes. In addition to listing the diabetic medications that S.V. was taking you were informed by the patient that his diabetes recently became under control within the past month. You testified that after examining him with a slit lamp you were able to pinpoint that this patient had a macular edema in each eye. Upon questioning regarding whether you dilated the patient's eyes during the course of your examination, your response was in the negative. Your explanation for not performing the dilation was that your examination revealed macular thickening which required the patient to seek the expertise of a retinal specialist who would perform additional testing. It was also your testimony that you did not complete the examination of this patient because he would be given a through examination by the retinal specialist. Accordingly, you also testified that you had conversation with the patient regarding the effects of diabetes and that you brought the patient to the front desk and presented him with a business card for the Retina Vitria Center located in New Brunswick, New Jersey.

Upon further questioning, you testified that the copy of the patient record presented to the Board did not contain a notation that indicated that you informed the patient to present to the retinal specialist. However, the original patient record which you presented to the Board at the inquiry contained a notation at the bottom of the page that read "referred to RV Center." You further testified that sometime within a year of the patient's eye examination upon receipt of a phone call requesting the patient's record, you added the notation regarding the referral without following the board regulation that requires a date and insertion of initials. You explained your failure to follow the board's procedures as a mistake.

Furthermore, a review of the patient record demonstrated that it lacked several items required under the minimum examination regulation including but not limited to the following: a lack of findings of visual acuity, failure to complete the examination of the external eye and adnexae, failure to include the complete examination of the internal parts of the eye except to note the cup disk ratio and a finding of macular edema. Additionally, color vision testing was not performed nor was a visual field screening performed.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45: 1- 21(c) and N.J.A.C. 13:38-2.1(a) in that your failure to dilate the patient's eyes and provide a complete eye examination constitutes a deviation from the standard of care which constitutes gross negligence. The failure to complete the minimum requirements for examination in violation of N.J.A.C. 13:38-2.1(a) and your failure to properly document the patient records and to follow the proper procedures for amendment to the patient record constitutes a violation of N.J.A.C. 13:38-2.3(d) 2.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal disciplinary proceedings, should you consent to:

1. cease and desist in the future from failing to dilate the eyes of a diabetic patient during the course of the initial evaluation and to perform a complete initial eye examination of all patients;
2. cease and desist in the future from failing to following the proper procedures for additions to the patient record as provided in N.J.A.C. 13:38-2.3(d)2.
3. the issuance of a formal reprimand for violations of N.J.S.A. 45:1-21(c) and N.J.A.C. 13:38-2.1(a) and 13:38-2.3(d)2.

4. The Board imposes a penalty in the amount of \$10,000 and has agreed to stay \$5000. Thus the penalty constitutes \$5000 for violation of N.J.S.A. 45:1-21(c) and a penalty of \$2500 for violation of N.J.A.C. 13:38-2.1(a) and for violation of N.J.A.C. 13:38-2.3(d)2. Based on the issues raised in your letter of reconsideration the Board has agreed to stay the penalty in the amount of \$5000 on the condition that you met all of the requirements set forth in this letter within the time frames established herein. The Board has also agreed to allow you to pay the remaining balance of the penalty in the amount of \$5000.00 and the costs in the amount of \$382.50 for a total of \$5,382.50 in installment payments over an 18 month period. The first payment is to begin on May 30, 2005 in the amount of \$299.03

5. pay costs incurred by the Board in the amount of \$382.50 as explained in the attached Certification of Costs of Susan Gartland, Executive Director.

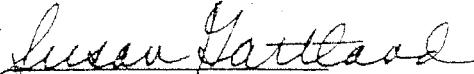
6. successfully complete and pass a four (4) hour course in the treatment and management of diabetic patients and a record keeping course to be administered by the Pennsylvania College of Optometry. Both courses shall be approved by the Board prior to your attending same and shall be completed within three months of the entry date of this settlement letter. These two courses will not be included in the continuing education credits which must be attained for renewal of licensure.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.


In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you have your attorney, Mr. Buckley, contact Deputy Attorney General Rodriguez, who may be reached at (973) 648-3696.

If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD  
OF OPTOMETRISTS

By:   
Susan Gartland  
Executive Director

ACKNOWLEDGMENT: I, Ira Hanlon, O.D., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$5,000.00 and costs in the amount of \$ 382.50 (to be paid in installments over a period of 18 months upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.

  
Ira Hanlon, O.D.

Dated:

cc. Joseph A. Manning, Esquire  
Carmen A. Rodriguez, Deputy Attorney General